

AGN. NO. _____

MOTION BY SUPERVISOR YVONNE B. BURKE

AUGUST 29, 2006

Time Warner Cable recently finalized their acquisition of the cable systems that serve 3.5 million Adelphia and Comcast subscribers. Prior to their acquisition, both Adelphia and Comcast carried the NFL Network on their basic cable packages, as do the Direct TV and Dishnetwork systems; thereby offering the NFL experience to the broadest audience.

When Time Warner finalized its acquisition of both cable systems, they proposed to add the NFL Network to their "premium" sports subscription package rather than include it in their "basic" package; thereby requiring subscribers to pay extra for this service. Subsequently, on August 1, 2006, Time Warner Cable unilaterally chose to discontinue its carrying of the NFL Network on its cable systems, apparently without fulfilling the legal requirements for notifying customers. According to a Federal Communications Commission (FCC) report, ... "within two days of having dropped the NFL Network, Time Warner received at least 7,843 complaints and 88 requests for service disconnection" and the NFL, itself, registered over 22,000 complaints from Time Warner's market area. On August 3, 2006, the NFL received immediate injunctive relief

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from the FCC, who required Time Warner to reinstate the NFL Network to all systems that carried this programming prior to the merger, including those systems within the County of Los Angeles, until Time Warner gives subscribers a 30-day notice that they plan to cancel this service.

If Time Warner and the NFL do not reach agreement by September 3, 2006, it is highly likely that Time Warner will remove the NFL Network from all of their cable systems, including 1.9 million Los Angeles-area households that just became part of the Time Warner system. This could have a dramatic negative effect on the County's cable subscribers, possibly prompting them to cancel their cable service and subscribe to satellite service since they will be the only provider to offer the NFL network.

I, THEREFORE MOVE THAT THE BOARD OF SUPERVISORS:

Hereby urge the Federal Communications Commission (FCC) to immediately extend their temporary injunction indefinitely, to prevent Time Warner from cancelling the NFL Network until a reasonable, market-based solution is works out between the Cable Company and Network.

I FURTHER MOVE THAT THE BOARD:

Instruct the Chief Administrative Officer to send a letter to the FCC advising them of the action being taken this date.